

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred Senate Bill 498, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 10-13-3-27 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as
- 5 provided in subsection (b), on request, law enforcement agencies shall
- 6 release or allow inspection of a limited criminal history to noncriminal
- 7 justice organizations or individuals only if the subject of the request:
- 8 (1) has applied for employment with a noncriminal justice
- 9 organization or individual;
- 10 (2) has applied for a license and criminal history data as required
- 11 by law to be provided in connection with the license;
- 12 (3) is a candidate for public office or a public official;
- 13 (4) is in the process of being apprehended by a law enforcement
- 14 agency;
- 15 (5) is placed under arrest for the alleged commission of a crime;

- 1 (6) has charged that the subject's rights have been abused
- 2 repeatedly by criminal justice agencies;
- 3 (7) is the subject of a judicial decision or determination with
- 4 respect to the setting of bond, plea bargaining, sentencing, or
- 5 probation;
- 6 (8) has volunteered services that involve contact with, care of, or
- 7 supervision over a child who is being placed, matched, or
- 8 monitored by a social services agency or a nonprofit corporation;
- 9 (9) has volunteered services at a public school (as defined in
- 10 IC 20-10.1-1-2) or nonpublic school (as defined in
- 11 IC 20-10.1-1-3) that involve contact with, care of, or supervision
- 12 over a student enrolled in the school;
- 13 (10) is being investigated for welfare fraud by an investigator of
- 14 the division of family and children or a county office of family
- 15 and children;
- 16 (11) is being sought by the parent locator service of the child
- 17 support bureau of the division of family and children;
- 18 (12) is or was required to register as a sex and violent offender
- 19 under IC 5-2-12; **or**
- 20 (13) has been convicted of any of the following:
- 21 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
- 22 (18) years of age.
- 23 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
- 24 less than eighteen (18) years of age.
- 25 (C) Child molesting (IC 35-42-4-3).
- 26 (D) Child exploitation (IC 35-42-4-4(b)).
- 27 (E) Possession of child pornography (IC 35-42-4-4(c)).
- 28 (F) Vicarious sexual gratification (IC 35-42-4-5).
- 29 (G) Child solicitation (IC 35-42-4-6).
- 30 (H) Child seduction (IC 35-42-4-7).
- 31 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- 32 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
- 33 (18) years of age; **or**
- 34 **(14) is an owner or employee (as defined in IC 24-4-14-1) of a**
- 35 **teen club (as defined in IC 24-4-14-2) that is regulated by a**
- 36 **city, town, or county that has adopted an ordinance under**
- 37 **IC 24-4-14.**
- 38 However, limited criminal history information obtained from the

1 National Crime Information Center may not be released under this
 2 section except to the extent permitted by the Attorney General of the
 3 United States.

4 (b) A law enforcement agency shall allow inspection of a limited
 5 criminal history by and release a limited criminal history to the
 6 following noncriminal justice organizations:

7 (1) Federally chartered or insured banking institutions.

8 (2) Officials of state and local government for any of the
 9 following purposes:

10 (A) Employment with a state or local governmental entity.

11 (B) Licensing.

12 (3) Segments of the securities industry identified under 15 U.S.C.
 13 78q(f)(2).

14 (c) Any person who uses limited criminal history for any purpose
 15 not specified under this section commits a Class A misdemeanor.

16 SECTION 2. IC 24-4-14 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2005]:

19 **Chapter 14. Regulation of Teen Clubs**

20 **Sec. 1. As used in this chapter, "employee" means a person**
 21 **employed or permitted to work or perform any service in a teen**
 22 **club for remuneration or under any contract of hire, written or**
 23 **oral, express or implied, by an owner of a teen club.**

24 **Sec. 2. As used in this chapter, "teen club" means a for-profit**
 25 **establishment that:**

26 **(1) is open to the public for the primary purpose of:**

27 **(A) offering an individual who is under the legal age for**
 28 **purchasing or consuming alcoholic beverages an**
 29 **opportunity to engage in social activities; and**

30 **(B) providing entertainment, food, or nonalcoholic**
 31 **beverages for a profit; and**

32 **(2) does not serve alcoholic beverages.**

33 **Sec. 3. A city, town, or county may adopt an ordinance to**
 34 **regulate a teen club and impose one (1) or more of the following:**

35 **(1) A requirement that a teen club be licensed.**

36 **(2) A requirement that an owner or employee of a teen club**
 37 **submit to a criminal history check.**

38 **(3) A requirement that an owner of a teen club require, and**

- 1 **provide to third parties upon request, a statement from each**
2 **employee that the employee has not been convicted of:**
3 **(A) a felony; or**
4 **(B) a crime involving children.**
5 **(4) An age restriction for individuals who may enter a teen**
6 **club.**
7 **(5) A restriction on the hours of operation of a teen club."**

8 Renumber all SECTIONS consecutively.

(Reference is to SB 498 as printed February 18, 2005.)

and when so amended that said bill do pass.

Representative Hinkle